

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	
	:	Case No.: 7:22-CR-55 WLS
DEWAYNE HOWELL,	:	
	:	
Defendant.	:	
	:	

ORDER

Previously, the Court provided the Parties with notice that this case was scheduled for pretrial conference on Tuesday, November 22, 2022, at 3:00 p.m. and for trial on Monday, December 19, 2022 (Doc. 23). In the event the case is not ready for trial, the Parties were ordered to file a motion to continue at least two days prior to the date of the noticed pretrial conference. (*Id.*) The Defendant filed a timely Motion to Continue (Doc. 24) (“Motion”) stating that his first appearance occurred on October 21, 2022, and that a codefendant is set to have his first appearance on November 8, 2022. In addition, the Government has not yet produced discovery to Defendant’s counsel who will need additional time to receive and review discovery with Defendant and discuss plea negotiations with the Government and Defendant. Defendant’s counsel communicated with Government’s counsel, who does not oppose the Motion.

Based on the Defendant’s stated reasons, the Court finds that a continuance is required for Defendant’s counsel to effectively prepare for trial. The Court further finds the ends of justice served by granting such a continuance outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A)-(B). Therefore, the Motion (Doc. 24) is GRANTED. The Court hereby ORDERS that the trial in the above-referenced matter be CONTINUED to the Valdosta Division February 2023 term and its conclusion, or as may otherwise be ordered by the Court. Furthermore, it is ORDERED that the time lost under the Speedy Trial Act, 18 U.S.C. § 3161, be EXCLUDED pursuant to 18 U.S.C. § 3161(h)(7) because the Court has continued the trial in this case and finds that the failure to grant a continuance would likely result in a miscarriage of justice, and/or EXCLUDED pursuant to

18 U.S.C. § 3161(h)(6) because Defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted. 18 U.S.C. § 1361(h)(6), (h)(7)(B)(i).

The November 22, 2022 pretrial conference is CANCELLED.

SO ORDERED, this 3rd day of November 2022.

/s/W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT